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Subject: [EXTERNAL] Transport Canada's comments for Sabina Gold and Silver Corporation's Back River Gold Mine Project's 2021 Annual Report
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To the Nunavut Impact Review Board,

In response to the Nunavut Impact Review Board's request of April 11, 2022, Transport Canada has reviewed Sabina Gold and Silver Corporation's (Sabina) Back River Gold Mine Project's 2021 Annual Report. Please note that Transport Canada's review was limited to those areas of the annual report that are relevant to the Department's mandate and jurisdiction/areas of expertise.

Transport Canada's comments on the Sabina Back River Gold Mine Project's 2021 Annual Report cover three topic areas:

1. Marine safety and security
2. Navigation protection
3. Transportation of Dangerous Goods (TDG)

In summary, Transport Canada did not carry out any on-site physical inspections or enforcement activities associated with the Project in 2021. Based on the information available to date, the Project was in compliance with legislation administered by the Department and with the authorizations issued to it by Transport Canada's Navigation Protection Program. More specific comments from the Transport Canada's review of the 2021 Annual Report for the Project follow below.

1. **Marine Safety and Security**

I. Compliance and Inspections:

The Project's Oil Handling Facility (OHF) is in compliance with regulatory requirements as per part 8 of the *Canada Shipping Act, 2001* (CSA 2001) and the Environmental Response Regulations. No physical inspection of the OHF was carried out in 2021.

II. Information regarding the Oil Pollution Emergency Plan (OPEP) and Oil Pollution Prevention Plan (OPPP) for the Project:

For the information of the Board and the Proponent, under section 12 of the Environmental Response Regulations passed pursuant to CSA 2001, there is a requirement for the owner of an OHF to complete annual reviews and if necessary update the Project's Oil Pollution Emergency Plan

(OPEP) and Oil Pollution Prevention Plan (OPPP). If plans are updated, they must be submitted to Transport Canada no later than one year after the update. As required under the CSA 2001, the facility will need to notify Transport Canada of proposed changes to the OHF's operations relating to the loading or unloading of oil to or from vessels (180 days in advance of the change). The facility is also required to submit a revised OPEP/OPPP 90 days before a change in operation.

Recommendation: Transport Canada recommends to the Board and the Proponent that an up-to-date OPEP and OPPP continue to be included in future annual reports for the Sabina Back River Gold Project.

III. Additional Information – Marine Safety and Security:

Transport Canada would like to remind the Proponent of two particular pieces of information regarding marine safety and security:

- Before the facility interfaces with a foreign flagged vessel or a Canadian flagged vessel on an international voyage, Sabina Gold and Silver Corporation is required to comply with the *Marine Transportation Security Act* and Regulations.
- Marine shipping standard operating procedure: Vessel operators serving the Project should be made aware of the 2022 Annual Notice to Mariners, and in particular section A2 Marine Mammal Guidelines and Marine Protected Areas and section 7A Voyage Planning for Vessels Intending to Navigate in Canada's Northern Waters (see: Annual Notice to Mariners <https://www.notmar.gc.ca/publications/annual/annual-notices-to-mariners-eng.pdf>)

2. **Navigation Protection**

As Sabina noted in its 2021 Annual Report for the Project, Transport Canada's Navigation Protection Program has issued authorizations for various works associated with the Project:

- 2012-600767-002 - Navigation Protection Act – MLA Discharge Pipeline Authorization
- 2012-600767-003 - Navigation Protection Act – MLA Intake Pipeline Authorization
- 2012-600767-006 - Navigation Protection Act – MLA Lightering Barge Authorization

No compliance issues with these authorizations were noted in 2021. No site visits of these works were conducted during this time.

Transport Canada's Navigation Protection Program noted that Table 1.2-1 Permit Registry in the 2021 Annual Report lists the following as "authorizations" from Transport Canada:

- 2012-600767-004 N/A TC *Navigation Protection Act* – Umwelt Lake Dewatering Authorization
- 2012-600767-005 N/A TC *Navigation Protection Act* – Llama Lake Dewatering Authorization

Transport Canada recommends these be removed from Table 1.2-1 as the applications for these authorizations were not completed because Transport Canada concluded the two waterways were not navigable. As the waterways were not navigable, the Proponent was not required to obtain the exemption set out in section 24 of the former *Navigation Protection Act* from the prohibition against

the dewatering of navigable waters.

3. Transportation of Dangerous Goods

I. Inspections:

A Transportation of Dangerous Goods (TDG) inspection was not conducted by Transport Canada for the Project in 2021.

II. Hazardous waste/materials information:

Sabina's 2021 Annual Report does not provide any information regarding the shipping of dangerous/hazardous goods. In keeping with Transport Canada's comments for the 2020 Annual Report for the Project, the Department recommends:

Future annual reports for the Back River Gold Mine Project provide information and copies of documents regarding the transportation of dangerous goods for the Project, including *nil* comments. Part of this information would be the inclusion of all hazardous waste manifests for the Project, if any. This information would support Transport Canada's reviews of future annual reports.

Please contact me if you have any questions about Transport Canada's review.

Regards,

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